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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/871,325

05/30/2001

Charles C. Koo

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08/08/2006

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EXAMINER

FRENEL, VANEL

ART UNIT

PAPER NUMBER

3626

DATE MAILED: 08/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/871,325

**Applicant(s)**

KOO ET AL.

**Examiner**

Vanel Frenel

**Art Unit**

3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5302001.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

Notice to Applicant

1. This communication is in response to the application filed on 05/30/01. Claims 1-20 are pending.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Segal et al (2001/0041991) in view of WebMD Adds Features to Help Physician Subscribers Improve Practice Management, Reduce Administrative Costs by (Business & Medical Editors. Business Wire. New York: Mar 3, 1999. pg.1).

(A) As per claim 1, Segal discloses a method for creating a referral network of physicians comprising the acts of:

registering at least one physician (See Segal, Page 5, Paragraphs 0074-0075).

Segal does not explicitly disclose that the method having generating a patient referral document from said registered physician, said document including a promotion for said referral network; and

sending said referral document to a second physician.

However, these features are known in the art, as evidenced by Business Wire. In particular, Business Wire suggests that the method having generating a patient referral document from said registered physician, said document including a promotion for said referral network (See Business Wire, Page 1, Paragraphs 1-3); and

sending said referral document to a second physician (See Business Wire, Page 1, Paragraphs 1-3).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the features of Business Wire within the system of Segal with the motivation of offering physician members access to information to help healthcare professionals increase practice efficiency and make informed business and marketing decisions (See Business Wire, Page 1, Paragraph 3).

(B) As per claim 2, Business Wire discloses the method wherein said promotion induces said second physician to register with said referral network (See Business Wire Page 1, Paragraph 2).

The motivation for combining the respective teachings of Segal and Business Wire are as discussed in the rejection claim 1 above, and incorporated herein.

(C) As per claim 3, Business Wire discloses the method wherein said patient referral document comprises a patient referral letter and a cover (See Business Wire Page 1, Paragraph 2).

The motivation for combining the respective teachings of Segal and Business Wire are as discussed in the rejection claim 1 above, and incorporated herein.

(D) As per claim 4, Business Wire discloses the method wherein said cover carries said promotion (See Business Wire Page 1, Paragraph 2).

The motivation for combining the respective teachings of Segal and Business Wire are as discussed in the rejection claim 1 above, and incorporated herein.

(E) As per claim 5, Segal discloses the method wherein said patient referral letter comprises patient medical information, patient contact information, and physician contact information (See Segal, Page 6, Paragraphs 0083-0084).

(F) As per claim 6, Segal discloses the method wherein said patient referral letter is in response to a prior referral, said prior referral letter sent to said second physician by said registered physician (See Segal, Page 8, Paragraph 0106).

(G) As per claim 7, Segal discloses the method further comprising providing a computer system, said computer system comprising a server hosting a web site for said referral network (See Segal, Page 5, Paragraph 0074).

(H) As per claim 8, Segal discloses the method wherein said promotion includes the URL of said web site (See Segal, Page 6, Paragraph 0084).

(I) As per claim 9, Segal discloses the method wherein said computer system further comprises a data storage system storing a database of patient contact information, a database of physician contact information, and a database of patient medical records (See Segal, Page 6, Paragraphs 0078-0083).

(J) As per claim 10, Segal discloses the method wherein said physicians who are registered with said referral network can access said data storage system on said computer system (See Segal, Page 6, Paragraphs 0078-0083).

(K) As per claim 11, Segal discloses the method wherein the act of generating a patient referral document comprises:

- selecting particular patient contact information from a database of patient contact information (See Segal, Page 6, Paragraph 0084);

- selecting particular physician contact information from a database of physician contact information (See Segal, Page 6, Paragraph 0084);

- selecting particular patient medical information from a database of patient medical records (See Segal, Page 6, Paragraph 0084);

- selecting a letter template (See Segal, Page 7, Paragraph 0094);

- inserting said patient contact information, physician contact information, and patient medical information into said letter template to form a patient referral letter (See Segal, Page 7, Paragraphs 0094 –0097); and

generating a cover including said promotion (See Segal, Page 8, Paragraph 0110-0111).

(L) As per claim 12, Segal discloses the method wherein said referral document is generated by a person associated with said registered physician and wherein said referral letter is sent by said registered physician (See Segal, Page 8, Paragraphs 0110-0111).

(M) As per claim 13, Business Wire discloses the method wherein said at least one physician pays a fee to register (See Business Wire, Page 1, Paragraph 3).

(N) As per claim 14, Segal discloses a system for creating a referral network of physicians, said system comprising:

- a server computer (See Segal, Page 6, Paragraph 0085);

- a data storage system associated with said server computer, said data storage system storing a database of physician contact information, a database of patient contact information, and a database of patient medical records (See Segal, Page 6, Paragraphs 0084-0085);

- a computer program executed by said server computer, said computer program comprising instructions for providing physician accounts on said server computer, said computer program further comprising instructions for (See Segal, Page 7, Paragraphs 0096-0098);

selecting patient contact information from said database of patient contact information (See Segal, Page 6, Paragraphs 0083-0084);

selecting physician contact information from said database of physician contact information (See Segal, Page 6, Paragraphs 0083-0084);

selecting patient medical information from said database of patient medical records (See Segal, Page 6, Paragraphs 0083-0084);

selecting a referral letter template (See Segal, Page 7, Paragraph 0094);

inserting said patient contact information, physician contact information, and patient medical information into said referral letter template to form a referral letter (See Segal, Page 7, Paragraphs 0094 –0097).

Segal does not explicitly disclose that the system having generating a cover including a promotion for said referral network; and sending said referral letter and cover to a second physician.

However, these features are known in the art, as evidenced by Business Wire. In particular, Business Wire suggests that the system having generating a cover including a promotion for said referral network (See Business Wire, Page 1, Paragraphs 1-3); and sending said referral letter and cover to a second physician (See Business Wire, Page 1, Paragraphs 1-3).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the features of Business Wire within the system of Segal with the motivation of offering physician members access to information to help healthcare



professionals increase practice efficiency and make informed business and marketing decisions (See Business Wire, Page 1, Paragraph 3).

(O) As per claim 15, Segal discloses the system wherein said referral letter and cover are sent via facsimile (See Segal, Page 6, Paragraph 0076).

(P) As per claim 16, Segal discloses the system wherein said promotion induces said second physician to join said referral network (See Segal, Page 5, Paragraphs 0074-0075).

(Q) As per claim 17, Segal discloses the system wherein said promotion induces said second physician to register with said referral network via said server computer (See Segal, Page 5, Paragraphs 0074-0075).

(R) As per claim 18, Segal discloses the system further comprising:  
a second computer communicating with said server computer through a global-area network (See Segal, Page 5, Paragraphs 0074-0075); and  
a second data storage system associated with said second computer, said second data storage system storing a second database of patient contact information and a second database of patient medical records (See Segal, Page 6, Paragraph 0084);

wherein said computer program further comprises instructions for (See Segal, Page 6, Paragraph 0091);

selecting patient contact information from said second database of patient contact information and transmitting said selected patient contact information from said second computer to said data storage system associated with said server computer (See Segal, Page 6, Paragraphs 0084-0085); and

selecting patient medical information from said second database of patient medical information and transmitting said selected patient medical information from said clinic computer to said data storage system associated with said server computer (See Segal, Page 6, Paragraphs 0084-0085);

(S) As per claim 19, Segal discloses the system wherein a computer program executed by said second computer generates said second database of patient medical information and said second database of patient contact information (See Segal, Page 6, Paragraphs 0083-0084).

(T) As per claim 20, Segal discloses a computer generated file comprising: a patient referral document from a first physician to a second physician (See Segal, Page 5, Paragraphs 0074-0075); and

wherein said patient referral document is a merged document including a template and patient specific data (See Segal, Page 7, Paragraphs 0094 –0097).

Segal does not explicitly disclose an associated cover document for said patient referral document and including a promotional announcement to join a physician referral network.

However, this feature is known in the art, as evidenced by Business Wire. In particular, Business Wire suggests that an associated cover document for said patient referral document and including a promotional announcement to join a physician referral network (See Business Wire, Page 1, Paragraphs 1-3).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the features of Business Wire within the system of Segal with the motivation of offering physician members access to information to help healthcare professionals increase practice efficiency and make informed business and marketing decisions (See Business Wire, Page 1, Paragraph 3).

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not the applied art teaches WebMD, Healtheon and HealthSouth to Co-Market and Connect 50,00 Physicians, 2,000 Facilities, Millions of Patients and Third-Party Payors by PR Newswire. New York. Sep.14, 1999. pg.1) and Bellevue's Pointshare Files IPO documents Web Medical Service Gains a key Investor; [FINAL EDITION] by John Cook P-I Reporter. Seattle Post- Intelligencer. Seattle, Wash. : Mar 4, 2000. pg. B.3).


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vanel Frenel whose telephone number is 571-272-6769. The examiner can normally be reached on 6:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

V.F

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JOSEPH THOMAS  
SUPERVISORY PATENT EXAMINER

July 22, 2006